

S.B. Criminal Misc. Petition No.1752/2007  
(Mahesh Kumar & Anr. Vs State & Anr.)

Date of Order : 22.11.2007

**HON'BLE MR. H.R. PANWAR, J.**

Mr. R.S. Gill for petitioners.  
Mr. Ashok Upadhyay, PP.

Having heard learned counsel for the petitioners at some length, learned counsel submits that he does not want to press the misc. petition at this stage, however, submits that instead of summoning the petitioners by non-bailable warrants, they may be summoned by bailable warrants.

In my view, it is more appropriate that the petitioners may surrender before the trial court and move a regular bail application.

Learned counsel for the petitioners submits that the petitioners will surrender before the trial court on or before 10<sup>th</sup> December, 2007 and move regular bail application there and the trial court may be directed to consider and decide the same on the very same day.

Let the petitioners surrender themselves before the trial court on or before 10<sup>th</sup> December, 2007 and if any regular bail application is moved, the trial court shall consider and decide the same on the same day keeping in view that the police did not find a case against the petitioners and submitted negative final report and question of recovery at this stage is not involved. Till, 10<sup>th</sup> December, 2007, non-bailable warrants issued against the petitioners in pursuance of the order impugned shall not be executed.

With this observation, the criminal misc. petition is dismissed as not pressed.

(H.R. Panwar), J.

S. B. Criminal Misc. Stay Petition No.1359/2007  
In  
S.B. Criminal Misc. Petition No.1752/2007

Date of Order : 22.11.2007

**HON'BLE MR. H.R. PANWAR, J.**

Mr. R.S. Gill for petitioner.  
Mr. Ashok Upadhyaya, P.P.

Since the main petition itself has been dismissed, the  
stay petition also stands dismissed.

(H.R. PANWAR), J.

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